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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

S2 15 Cr. 360 (LAP)

5 BRIAN COLL,
6 BYRON TAYLOR,

Defendants.

7 -----x

8 October 1, 2015
9 11:45 a.m.

10 Before:

11 HON. LORETTA A. PRESKA

12 District Judge

13 APPEARANCES

14 PREET BHARARA

United States Attorney for the
Southern District of New York

15 BROOKE E. CUCINELLA

16 JEANNETTE A. VARGAS

Assistant United States Attorneys

17 SAM SCHMIDT

Attorney for Defendant Coll

18 SAM BRAVERMAN

Attorney for Defendant Taylor

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1 (Case called)

2 THE COURT: Is the government ready?

3 MS. CUCINELLA: Yes, your Honor. Brook Cucinella and
4 Jeannette Vargas on behalf of the government. Good morning.

5 THE COURT: Good morning.

6 Counsel for Mr. Coll.

7 MR. SCHMIDT: Good morning, your Honor. Sam Schmidt
8 for Brian Coll.

9 THE COURT: Good morning.

10 Counsel for Mr. Taylor.

11 MR. BRAVERMAN: Good morning. Sam Braverman for Mr.
12 Taylor, who is seated to my left.

13 THE COURT: Good morning.

14 Gentlemen, would you please rise.

15 Gentlemen, have you received a copy of the superseding
16 indictment S2 15 Cr. 360?

17 DEFENDANT COLL: Yes, your Honor.

18 DEFENDANT TAYLOR: Yes, your Honor.

19 THE COURT: Have you gone over it with your attorneys?

20 DEFENDANT COLL: Yes.

21 DEFENDANT TAYLOR: Yes, your Honor.

22 THE COURT: Have your attorneys explained to you the
23 charges against you?

24 DEFENDANT COLL: Yes, your Honor.

25 DEFENDANT TAYLOR: Yes, your Honor.

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1 THE COURT: Do you want me to read it out loud now in
2 court or is it enough that you have talked with your lawyers
3 about it?

4 DEFENDANT COLL: No, your Honor.

5 DEFENDANT TAYLOR: No, your Honor.

6 THE COURT: How do you now plead?

7 Mr. Coll.

8 DEFENDANT COLL: Not guilty.

9 THE COURT: Mr. Taylor.

10 DEFENDANT TAYLOR: Not guilty.

11 THE COURT: Thank you, gentlemen.

12 I understand that our best efforts have yielded May 31
13 as a trial date, is that right?

14 MS. CUCINELLA: That's correct.

15 MR. SCHMIDT: Yes, your Honor.

16 MR. BRAVERMAN: Correct.

17 THE COURT: So that's what we will do.

18 May I please have your requests to charge and
19 requested voir dire questions the week before.

20 As to the requests to charge, may I ask the government
21 to send its requests to charge to you in sufficient time for
22 the defense to provide to me its changes, modifications,
23 wherever it differs with the government's requests to charge.

24 I understand we expect the case to take about three
25 weeks, is that right?

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1 MS. CUCINELLA: That's our safest assessment at this
2 point. We are hopeful it will be two, but three to be safe.

3 THE COURT: Gentlemen, does that seem to be a
4 reasonable estimate in your view?

5 MR. SCHMIDT: Your Honor, I am assuming that there
6 will be two to three days, at least, of a defense, and if the
7 government expects their case to be somewhere around two weeks
8 or a little bit over, then three weeks would be a fair
9 estimate.

10 MR. BRAVERMAN: I agree, Judge.

11 THE COURT: Thank you.

12 Counsel, do we expect any motions in limine?

13 MR. BRAVERMAN: Motions in limine?

14 THE COURT: Yes, sir.

15 MR. BRAVERMAN: At this point, I do not expect motions
16 in limine on behalf of Mr. Taylor.

17 MR. SCHMIDT: At this point, I have no idea.

18 THE COURT: Would you do this. Confer three months
19 before trial, two months before trial, and if there are going
20 to be motions, let me know and propose a briefing schedule that
21 will get the motions finished, and give me time to decide them
22 before the May 31 trial date, please.

23 MR. SCHMIDT: That would make sense.

24 THE COURT: What else do you need, counsel?

25 MR. SCHMIDT: I have had discussions about pretrial

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1 motions; they are mostly nonfactual, but we are going to have
2 discussions with the government concerning some of the material
3 and the possibility. So what I would suggest, your Honor, is
4 that we not set a pretrial motion schedule, that after our
5 consultations with the government, if we feel that these
6 motions are indeed still required, that we will provide your
7 Honor with a proposed schedule.

8 THE COURT: OK. About when do you think you will know
9 if you have those motions, Mr. Schmidt?

10 MR. SCHMIDT: My guess is that if we do have a
11 proposed schedule, if we are going to make motions, that our
12 motions would be filed sometime in early to mid-December.

13 THE COURT: Perfect. All right.

14 What else?

15 MR. SCHMIDT: I think that's it.

16 THE COURT: How about time?

17 MS. CUCINELLA: The government would request to
18 exclude time, to allow the defendants to determine if they
19 intend to make motions and to allow the parties to begin to
20 discuss a potential pretrial resolution, until May 31.

21 THE COURT: Any objection, gentlemen?

22 MR. SCHMIDT: No objection.

23 MR. BRAVERMAN: No objection.

24 THE COURT: In order to permit all of those activities
25 to take place, time between today and May 31 is excluded from

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1 calculation under the Speedy Trial Act in the interest of
2 justice.

3 Thank you, counsel. Good morning.

4 (Adjourned)